Supreme Court, U.S.
FILED
FEB 12 1992
OFFICE OF THE CLERK

No. 91-367

In The

Supreme Court of the United States

October Term, 1991

CAROL ANKENBRANDT, AS NEXT FRIEND AND MOTHER OF L.R. AND S.R.,

Petitioner,

vs.

JON A. RICHARDS AND DEBRA KESLER,

Respondents.

On Writ Of Certiorari To The United States Court Of Appeals For The Fifth Circuit

JOINT APPENDIX

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Petition For Certiorari Filed August 29, 1991
Certiorari Granted January 10, 1992

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DOCKET ENTRIES

9/26/89	1	COMPLAINT (2 summons(es) issued) (gh)
11/6/89	3	ANSWER by Debra Kesler (kh)
2/13/90	9	ANSWER by defendant Jon A Richards to pltfs' complt (kc) [Entry date 2/14/90]
3/27/90	15	MINUTE ENTRY: (3/27/90) Preliminary Conference held; Amends due w/in 60 days. Final pretrial conf set 9:00 3/5/91 bfr Judge; jury trial set 10:00 3/25/91 bfr Judge. Judge George Arceneaux Jr. (kh)
5/25/90	21	PLAINTIFF'S AMENDED complaint [1-1] & expmgr that same be filed; no new ptys added Judge Arceneaux Signed 5/29/90. (jk) [Entry date 5/30/90]
10/29/90	28	MOTION by defendant Jon A Richards, defendant Debra Kesler to dismiss case re: domestic relations exception & abstention doctrine hrg set 11/14/90 at 10:00 a.m. bfr Judge (kh) [Entry date 10/30/90]
11/16/90	33	Opp Response by plaintiff Carol Ankenbrandt to deft's motion to dismiss case re: domestic relations exception & abstention doctrine [28-1] (kh)
11/19/90	34	ORDER that mtns set for hrg 11/28/90 bfr Judge Arceneaux will be heard on briefs w/o oral argument by Judge Martin L. Feldman (kh)
12/10/90	35	ORDER & REASONS granting Defts motion to dismiss case re: domestic relations exception & abstention doctrine [28-1] Further Ordered that pltfs' complt be dismissed w/o prej. by Judge George Arceneaux Jr. (kh) [Entry date 12/11/90]

12/10/90 36 JUDGMENT: to dismiss case in favor of defts, Jon Richards & Debra Kesler, & agst pltfs, L.R. & S.R. through Carol Ankebrandt, dismissing petn w/o prej by Judge George Arceneaux Jr.. . . . CASE CLOSED. . . . (kh) [Entry date 12/11/90]

1/8/91 37 Notice of appeal by plaintiff Carol Ankenbrandt from Dist. Court decision Judg. of 12/10/90 (kh)

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF LOUISIANA

L.R. AND S.R., MINORS WHO SUE THROUGH THEIR NEXT FRIEND AND MOTHER, CAROL ANKENBRANCT	*	CIVIL ACTION
	*	NO.: 89-4244
	*	SECTION "K"
Plaintiffs	*	MAGISTRATE 1
VS.	*	JURY TRIAL
JON A. RICHARDS AND DEBRA KESLER	*	
Defendants	*	

ANSWER OF JON A. RICHARDS

NOW INTO COURT, through undersigned counsel, comes Jon A. Richards, named defendant herein, who in answer to plaintiff's complaint with respect shows:

FIRST DEFENSE

The complaint fails to state a claim upon which relief may be granted.

SECOND DEFENSE

This court lacks subject matter jurisdiction over the matter complained of in the complaint.

THIRD DEFENSE

This court should abstain from considering the claims made in the petition. Such claims may be an appropriate inquiry for a state court, but they should not be litigated in a federal forum.

AND NOW IN FURTHER ANSWER TO THE SPECIFIC ALLEGATIONS OF THE COMPLAINT, THE FOLLOWING IS AVERRED:

1.

Denied for lack of sufficient information to justify a belief.

2.

It is admitted that Jon A. Richards married Carol Ankenbranct on September 18, 1982 and that two children were born of the marriage. It is further admitted that they have been divorced. All other allegations of this paragraph are denied as irrelevant and as having been obtained unconstitutionally and through coercion.

3.

Denied.

4.

Denied for lack of sufficient information to justify a belief.

5.

Denied. Jon A. Richards has never, alone or in concert, committed sexual abuse in any manner, shape, or form. Jon A. Richards has never fondled the genitals of children; Jon A. Richards has never inserted any object in the genitals of children; Jon A. Richards has never been involved in any acts of vaginal, oral or anal intercourse with children; Jon A. Richards has never chained children to a board; and Jon A. Richards has never forced any child to pose for pornographic pictures. If, in fact, any such harm has occurred, it has been occasioned by a person or persons unknown to Jon A. Richards or it has been occasioned by the petitioner, Carol Ankenbranct. The allegations of this paragraph as to acts of Jon A. Richards are without substance and without any basis in truth or in fact.

6.

Denied. Jon A. Richards caused no physical, psychological, emotional, or sexual damage to his children. If, in fact, any such harm has occurred, it has been occasioned by a person or persons unknown to Jon A. Richards or it has been occasioned by the petitioner, Carol Ankenbranct.

7.

Denied. Jon A. Richards never abused his children in any manner and never threatened them to remain silent about acts that did not occur. If, in fact, any such harm has occurred, it has been occasioned by a person or

persons unknown to Jon A. Richards or it has been occasioned by the petitioner, Carol Ankenbranct. The allegations of this paragraph as to acts of Jon A. Richards are without substance and without any basis in truth or in fact.

8.

Denied. This paragraph assumes concerted action on the part of Debra Kessler and Jon A. Richards in a scheme to abuse his minor children. No such action was ever contemplated nor did any such action ever occur. This allegation is made without any basis in truth or in fact.

9.

Denied. There has been no tortious conduct on the part of the defendant, Jon A. Richards. If the minor children have suffered physical and emotional harm, such harm was caused by a person or persons unknown to Jon A. Richards or it was occasioned by Carol Ankenbranct, or it was occasioned by such unknown person and Carol Ankenbranct acting in concert.

10.

Requires no answer.

AND NOW, IN FURTHER ANSWER TO THE CAPTIONED PETITION, JON A. RICHARDS AVERS THAT:

11.

Considering the allegations of the petition and the responses thereto, it is respectfully suggested that the court should take notice of the conflict of interest which is inherent as between Carol Ankenbranct, in her individual capacity, and Carol Ankenbranct, in her capacity as next friend and legal representative of the minor children in this litigation. It has been alleged in the answer that some or all of the harm, if there has been harm, has been caused by Carol Ankenbranct in her individual capacity; until the truth of this allegation is determined, a serious conflict exists for Carol Ankenbranct and it is not in the best interest of the children that she be the personal representative of the minor children in this litigation.

WHEREFORE IT IS PRAYED THAT this answer be deemed good and sufficient and that the complaint of the plaintiff be dismissed without cost to the defendant.

Respectfully submitted,

WALTZER & BAGNERIS

/s/

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CERTIFICATE OF SERVICE
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[CAPTION OMITTED IN PRINTING]

ANSWER OF DEBRA KESLER TO COMPLAINT OF PLAINTIFFS

NOW INTO COURT through undersigned counsel comes Debra Kesler, named defendant herein and for answer to plaintiffs' complaint, with respect, shows:

FIRST DEFENSE

I

THE plaintiffs' complaint fails to state a claim against the defendant for which relief may be granted.

SECOND DEFENSE

I

THIS court lacks subject matter jurisdiction of the matter complained of in plaintiffs' complaint.

THIRD DEFENSE

I

The allegations of paragraph 1 of plaintiffs' complaint are denied for want of information sufficient to form a belief.

II

The allegations of paragraph 2 of plaintiffs' complaint are denied for want of information sufficient to form a belief.

III

The allegation of paragraph 3 of plaintiffs' complaint are denied for want of information sufficient to form a belief except to admit that the domicile of defendant, Debra Kesler, is in Jefferson Parish, Louisiana.

IV

The allegation of paragraph 4 of plaintiffs' complaint are denied for want of sufficient information to form a belief.

V

The allegations of paragraph 5 of plaintiffs' complaint are denied per se. Your defendant, Debra Kesler, has never acted alone or in concert with anyone to abuse, batter, sexually or otherwise, the plaintiffs herein. It just did not happen; not with Debra Kesler. Your defendant, Debra Kesler, has never sexually fondled the genitals of any children, at any place or time, including the plaintiffs. It just did not happen; not with Debra Kesler. Your defendant, Debra Kesler, has never, at any time or place caused, observed or known of any sexual penetration, whatsoever, of any children, including the plaintiffs. It just did not happen; not with Debra Kesler. Your defendant, Debra Kesler, has never, at any time or place, committed or observed any act of vaginal, oral or anal intercourse of any one, including children and the plaintiffs. It just did not happen; not with Debra Kesler. Your Defendant, Debra Kesler, has never, at any time or place, chained any one, including children and the plaintiffs to

any board. It just did not happen; not with Debra Kesler. Your Defendant, Debra Kesler, has never taken pornographic pictures of any one, including children and the plaintiffs. It just did not happen; not with Debra Kesler. Your defendant, Debra Kesler, protests the use of the Federal Judiciary to provide a forum for such vindictive, false and incompetent accusations as are set out herein.

VI

The allegations of paragraph 6 of plaintiffs' complaint are denied per se. No such severe and permanent physical, psychological, emotional and sexual damage was ever suffered by such plaintiffs as a result of any actions, non-actions, efforts or non-efforts of your defendant, Debra Kesler.

VII

The allegations of paragraph 7 of plaintiffs' complaint are denied per se. Your defendant, Debra Kesler, has never threatened any one, including children and the plaintiffs, to remain silent about any thing. It just did not happen; not with Debra Kesler.

VIII

The allegations of paragraph 8 of plaintiffs' complaint are denied per se. Your defendant, Debra Kesler, did not misrepresented herself to any court. Your defendant, Debra Kesler, did not commit any abuse, further or otherwise, upon any one, including children and the plaintiff. It just did not happen; not with Debra Kesler.

IX

The allegations of paragraph 9 of plaintiffs' complaint are denied per se. Your defendant, Debra Kesler, owes the plaintiffs no money whatsoever because she caused them no harm, whatsoever.

X

The allegation of paragraph 10 of plaintiffs' complaint requires no answer.

WHEREFORE YOUR DEFENDANT, DEBRA KESLER, PRAYS:

That the plaintiffs' complaint, after all due proceedings had be dismissed.

RESPECTFULLY,

/s/ Samuel S. Dalton
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